

REMARKS

In the March 26, 2003 Office Action, the Examiner rejected claims 1-32 pending in the application. This Response amends claims 1, 11, 13, 21, and 31, cancels claims 8 and 28 without prejudice or disclaimer, and adds new claims 33-35 for consideration. Support for the amended claims may be found in the originally filed specification, and thus, no new matter is added by this amendment. After entering the foregoing amendments, claims 1-7, 9-27, and 29-35 (3 independent claims; 33 total claims) remain pending in the application. Reconsideration is respectively requested.

TELEPHONIC INTERVIEW

In the telephone interviews of June 23 and 24, 2003, the Examiner (Baoquoc To), the Applicant's representative (David O. Caplan), and the Applicant (Karl Forster) discussed the Office Action of March 26, 2003, the cited references from the Office Action, and proposed amendments to the claims. In addition, Examiner Shahid Al Alam participated in the telephone interview of June 24, 2003. During the interview, proposed amendments to the claims that would overcome the references cited in the March 26, 2003 Office Action were discussed. It was agreed that the proposed amendments to the claims would overcome the cited references from the Office Action. In addition, the Examiner identified two additional references that are discussed in detail below.

CLAIM REJECTION FROM OFFICE ACTION

Claims 1-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kucala, U.S. Patent No. 6,243,705, issued June 5, 2001 (hereinafter "Kucala"), in view of Draper et al., U.S. Patent No. 5,924,096, issued July 13, 1999 (hereinafter "Draper"). Applicants respectively traverse this rejection as discussed with the Examiner during the telephone interviews summarized above.

Kucala generally discloses a method and apparatus for synchronizing information on two different computer systems. The synchronization process disclosed by Kucala provides for **merging** palmtop and PC files to create a merged file. (column 3, line 14 - column 4, line 2) As

discussed with the Examiner, Kucala does not disclose each and every element of the invention of amended independent claims 1, 13, and 21. For example, Kucala does not disclose "automatically updating the target file to match the archive file", "periodically comparing the target file to the archive file, wherein the comparison comprises comparing one of the contents, size, and date/time of the target file to the corresponding archive file" or "replacing, as necessary, the target file such that the target file is identical to the archive file, wherein the replacing occurs when the comparison indicates that the target file is not identical to the archive file" as recited by amended independent claims 1, 13, and 21.

Furthermore, as discussed with the Examiner during the above summarized telephone interviews, Draper does not supply or suggest the missing elements of amended independent claims 1, 13, and 21. Draper generally discloses a system for synchronizing local copies of a distributed database and does not disclose or suggest "automatically updating the target file to match the archive file", "periodically comparing the target file to the archive file, wherein the comparison comprises comparing one of the contents, size, and date/time of the target file to the corresponding archive file" or "replacing, as necessary, the target file such that the target file is identical to the archive file, wherein the replacing occurs when the comparison indicates that the target file is not identical to the archive file" as recited by amended independent claims 1, 13, and 21. During the telephone interviews of June 23 and 24, 2003, agreement was reached with the Examiner that the proposed amendments to the claims would overcome the rejection of the claims from the outstanding Office Action.

For the above reasons, Applicant submits that the invention of claims 1-7, 9-27, and 29-35 would not have been obvious over Kucala in view of Draper, and therefore claims 1-7, 9-27, and 29-35 are allowable. Accordingly, Applicant respectfully request the withdrawal of the rejection of claims 1-7, 9-27, and 29-32 under 35 U.S.C. §103(a). As claims 8 and 28 have been cancelled without prejudice, the rejection as to claims 8 and 28 is now moot.

NEWLY IDENTIFIED REFERENCES

During the telephone interview of June 24, 2003, the Examiner identified two new references as follows: Goshey et al., U.S. Patent No. 6,477,629, issued November 5, 2002 (hereinafter "Goshey") and Iwamoto et al., U.S. Patent No. 5,715,462, issued February 3, 1998 (hereinafter "Iwamoto").

Goshey generally discloses a system for backing up and restoring data for a computer system such that the computer system can be booted from a peripheral storage device when a failure occurs with the hard drive that disables normal booting. In particular, with reference to columns 11 and 12 of Goshey, a "before image" or initial FootPrint containing data for the computer hardware (*i.e.*, hard drives and controllers) is created. When a failure in the computer system occurs, a new FootPrint or "after image" containing data for the computer hardware is created. By comparing the "before" and "after image" files containing the hardware data, Goshey system may suggest or take appropriate action. For example, the Goshey system may be able to determine which hard drive may have failed. When the computer system experiences a hard drive failure, the Goshey system will force a re-boot of the computer system from a peripheral storage device. This allows the user to continue uninterrupted working until the hard drive is repaired. Once the hard drive is repaired, the computer system may be restored with data from the peripheral storage device.

Iwamoto generally discloses a system that stores an Operating System in two different memory areas. With reference to columns 4-6 of Iwamoto, the system provides for having a first and second partition on separate memory areas such that the system may boot from the second partition when an error occurs in the first memory area. In addition, Iwamoto provides for backing up files and later restoring those files after the error is fixed. (see column 4-6 and Figure 4 of Iwamoto)

Goshey and Iwamoto do not teach or suggest all of the elements of the invention of amended independent claims 1, 13 and 21. In particular, Goshey and Iwamoto do not provide for a **periodic comparison** of target files to an archive set of files as provided by amended independent claims 1, 13 and 21. In addition, Goshey and Iwamoto do not teach or suggest replacing target files **when** the target file is not identical to its corresponding archive file as provided by amended independent claims 1, 13 and 21. Rather, Goshey and Iwamoto provide for restoring the host computer with data from a peripheral storage device or second memory area, but do not perform any type of comparison to determine which data to restore. The comparison described in column 11 of Goshey is a comparison of data from the computer hardware that is used to determine where, in the computer hardware, a failure might have occurred. Similarly, Iwamoto provides for booting a computer system from a second memory area when an error occurs in a first memory area, but Iwamoto does not perform any type of comparison to determine which files to restore. Rather, Iwamoto provides for backing up file

and later restoring files (after the error is fixed) without any type of comparison (see columns 4-6 and Figure 4 of Iwamoto).

For the above reasons, Applicant submits that the invention of claims 1-7, 9-27, and 29-35 would not have been obvious over Goshey in view of Iwamoto, and therefore claims 1-7, 9-27, and 29-35 are allowable.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all of the pending claims fully comply with 35 U.S.C. § 112 and are allowable over the prior art of record.

Reconsideration of the application and allowance of all pending claims is earnestly solicited.

Should the Office wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Office is invited to telephone the undersigned at the Office's convenience.

Respectfully submitted,

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